

45 KAR 1:080. Standards for Title VI reporting.

RELATES TO: KRS Chapter 344, 42 U.S.C. 2000d

STATUTORY AUTHORITY: KRS 344.015

NECESSITY, FUNCTION, AND CONFORMITY: The 1994 General Assembly enacted Senate Bill 248 (KRS 344.015) which requires that all state agencies as defined in KRS 12.010 prepare and submit Title VI implementation plans and annual updates to the Auditor of Public Accounts if the agency is subject to Title VI of the Federal Civil Rights Act of 1964. The Auditor of Public Accounts is responsible for the preparation and issuance of the Single Statewide Audit of Federal Funds for Kentucky state government including compliance with Title VI requirements. This administrative regulation establishes the uniform format agencies are required to use when submitting the Initial Implementation Title VI Plan and Annual Plan Updates to the Auditor of Public Accounts.

Section 1. (1) Title VI Initial Implementation Plan and Annual Plan Updates shall:

(a) Be submitted in the format set out in Section 4 of this administrative regulation; and

(b) Contain the information specified by the provisions of this administrative regulation.

(2) The entire agency shall be in compliance with Title VI, even if only one (1) federal grant is received.

(3) Standard complaint forms or guidelines shall be developed and adopted by the agency.

(4) Complaints shall be filed orally or in writing.

(5) A compliance review instrument shall be developed by the agency, such as, a self-survey, assessment checklist, preaward, routine or enforcement plan, along with the criteria for selecting and scheduling reviews.

(6) The agency shall provide persons with information relating to its Title VI plan, nondiscrimination policies, complaint procedures, programs and services.

(a) This information may include, brochures, newsletters, contract agreements, educational materials, Title VI Act and federal regulations, and preventive outreach programs.

(b) Informational materials shall be made available in a centralized place for distribution upon request.

(7) The agency shall submit annual Title VI compliance reports and updates to the plan.

(8) Agency and subrecipients shall establish a system for data collection and reporting data which shows the extent to which members of protected parties are participating in the programs and activities.

Section 2. For all state agencies receiving federal funds, an annual Title VI plan update shall be submitted to the Auditor of Public Accounts and the Kentucky Commission on Human Rights by July 1, 1995 and by July 1 each year thereafter.

Section 3. If a state agency that was not a recipient of federal funds on January 1, 1995, receives federal funds it shall prepare and submit the Title VI implementation plan within ninety (90) days of award and receipt of the federal funds.

Section 4. The federal Title VI implementation plan shall contain the information prescribed by this section in succinct and concise language. Subsections (6), (7), (9), (10), (12) and (13) of this section shall be updated annually.

(1) Glossary/definitions. Definitions of all common terms stated in the plan shall be included in this section to ensure that agency staff, recipients and beneficiaries have consistent applicable definitions.

(2) Overview. A clear and brief description of the agency mission and structure and the

relationship of Title VI requirements to the agency's operations.

(3) Scope of Title VI applicability to programs and activities. Specify prohibited discrimination practices under Title VI in relation to agency activities.

(4) Responsible official. The name, title, address and telephone number of the primary contact for the agency and the person in charge of implementation, compliance and reporting shall be designated in this section.

(5) Statement of assurances.

(a) Provide a statement that the agency, subrecipients and all parties involved have complied with Title VI.

(b) This statement shall be consistent with any assurances provided to the applicable federal agency which provides funding for covered activities. Also include:

1. A statement that a subrecipient shall have agreed in writing to adopt the Title VI plan of that agency.

2. If the subrecipient's Title VI plan differs from the state agency plan, a statement that the subrecipient plan shall be available for review from the name and title of officials identified in subsection (4) of this section.

(6) Identify programs or activities subject to Title VI.

(a) Identify each program, type of assistance identified in the federal grant agreement, and the manner in which the agency shall deliver the service or perform the activity.

(b) List the federal program, coverages and potential beneficiaries.

(7) Complaint procedures.

(a) Describe the complaint procedures within the agency as follows:

1. How a complaint shall be filed;

2. Where to file a complaint;

3. Time frame within which the complaint shall be processed by the agency; and

4. Withdrawal of a complaint;

(b) Describe agency procedures relating to investigations, report of findings, hearings and appeals.

(8) Compliance/noncompliance reporting.

(a) Describe agency plans to regulate, monitor, review, and report on the federal programs to assure compliance.

(b) Identify actions to be taken by the agency upon a finding of noncompliance, including:

1. Processing;

2. Reporting;

3. Resolution;

4. Enforcement of corrective actions; and

5. Monitoring of programs.

(9) Agency training plan.

(a) Describe the agency education and training plan, orientation, and technical assistance related to agency implementation of the plan;

(b) Identify ways the agency plans to improve staff capability, knowledge and effectiveness.

(10) Evaluation procedures of Title VI plan.

(a) Specify how the agency shall measure its goals and the time frame established to achieve those goals.

(b) The agency shall:

1. Describe how it plans to evaluate the Title VI plan and maintain continued compliance;

2. Identify any existing needs or plan deficiencies;

3. Maintain written progress reports; and

4. Describe corrective procedures.

(11) Public notice and outreach.

(a) Identify how the agency shall inform persons about the agency's:

1. Title VI plan;
2. Complaint procedures;
3. Nondiscrimination policy; and
4. Programs and services.

(b) Identify the agency contact person, office or department responsible for distribution of information relating to paragraph (a) of this subsection.

(12) Recordkeeping and reporting.

(a) Describe the recordkeeping procedures for the following:

1. Filing and processing of complaints;
2. Administrative data or records applicable to the plan;
3. Data sheets, including, a complaint log or performance reports, standardized forms, and retention of records.

(b) Changes in subsections (8) and (9) of this section of the plan shall be identified in this subsection.

(c) Provide reporting data showing the extent to which members of protected parties are participating in the Title VI programs and activities.

(13) Minority representation on planning board or advisory body.

(a) Describe the representation of minorities on any agency board or advisory body;

(b) If minority representation is deficient on these bodies, describe what policy the agency shall implement to ensure minority participation on advisory bodies; and

(c) Describe the race and national origin of the agency's staff.

Section 5. The agency shall submit Title VI initial plans, and annual Title VI plan updates on the "Commonwealth of Kentucky, Auditor of Public Accounts, Title VI of the Federal Civil Rights Act, Implementation Initial Plan and Plan Update Form" (1995).

Section 6. Incorporation By Reference. (1) "Commonwealth of Kentucky, Auditor of Public Accounts, Title VI of the Federal Civil Rights Act, Implementation Initial Plan and Plan Update Form" (1995) is incorporated by reference.

(2) This document may be inspected, copied, or obtained at the Office of the Auditor of Public Accounts, 144 Capitol Annex, Frankfort, Kentucky 40601, 8 a.m. to 4:30 p.m., Monday through Friday. (21 Ky.R. 1399; eff. 2-8-1995; Crt eff. 6-10-2019.)